

# STATE OF NEW YORK

4049

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the  
Committee on Environmental Conservation

AN ACT to establish the New York state reforest, restore and sustainable  
agriculture commission

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Legislative intent. The state of New York, the nation and  
2 the world are facing a climate emergency. There has been a dramatic loss  
3 of forests and ecological habitat worldwide. A summary report issued in  
4 May 2019 by the intergovernmental science-policy platform on biodiversi-  
5 ty and ecosystem services of the United Nations concludes that human  
6 activity is leading an unprecedented number of species into extinction  
7 which are critical for human survival. Human-made climate change is a  
8 result of increased greenhouse gases, including carbon dioxide. Forests  
9 and other ecosystems act as natural carbon sinks, which absorb carbon  
10 and reduce the impact of climate change. The commission shall seek to  
11 find out the extent of such loss and to make recommendations for their  
12 preservation, conservation, mitigation, restoration and expansion for  
13 the purpose of stopping climate catastrophe, ensuring clean water, air  
14 and land for the public health and strong economy, promoting outdoor  
15 recreation and preserving our natural resources and cultural heritage.

16 § 2. A temporary state commission, to be known as the New York state  
17 reforest, restore and sustainable agriculture commission, hereafter  
18 referred to as the commission, is hereby created to evaluate and make  
19 recommendations concerning the reforestation and restoration of forests  
20 and ecological habitats in the state of New York.

21 § 3. (a) The commission shall consist of seventeen members, to be  
22 appointed as follows: four members to be appointed by the governor;  
23 three members to be appointed by the temporary president of the senate;  
24 three members to be appointed by the speaker of the assembly; one member  
25 to be appointed by the minority leader of the senate; one member to be

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 appointed by the minority leader of the assembly; one member to be  
2 appointed by the commissioner of environmental conservation or his or  
3 her designee; one member to be appointed by the commissioner of agricul-  
4 ture and markets or his or her designee; one member to be appointed by  
5 the commissioner of the office of parks, recreation and historic preser-  
6 vation or his or her designee; one member to be appointed by the execu-  
7 tive director of the Adirondack park agency or his or her designee; and  
8 one member to be appointed by the director of the canal corporation or  
9 his or her designee. The governor shall designate the chairperson of  
10 the commission. Vacancies in the membership of the commission and among  
11 its officers shall be filled in the manner provided for original  
12 appointments or designations.

13 (b) The members of the commission shall receive no compensation for  
14 their services, but shall be allowed their actual and necessary expenses  
15 incurred in the performance of their duties under this act. The commis-  
16 sion may employ and at pleasure remove such personnel as it may deem  
17 necessary for the performance of its functions and fix their compen-  
18 sation within the amounts made available by appropriation therefor.

19 (c) The department of environmental conservation shall provide the  
20 commission such facilities, assistance, and data as will enable the  
21 commission to carry out its powers and duties. Additionally, all other  
22 departments or agencies of the state or subdivisions thereof shall, at  
23 the request of the chairperson, provide the commission such facilities,  
24 assistance, and data as will enable the commission to carry out its  
25 powers and duties.

26 § 4. The commission shall evaluate and make recommendations on the  
27 following three major areas:

28 (a) Forests and ecological habitats. Explore the extent of loss or  
29 degradation of forests and ecological habitats, including wildlife, both  
30 flora and fauna in the state of New York and find ways to mitigate,  
31 restore and prevent future loss and degradation of such forests and  
32 habitats.

33 (b) Preservation and restoration of other natural resources and  
34 ecological habitats, including both flora and fauna wildlife, in the  
35 state of New York. The commission shall research the loss and degrada-  
36 tion of natural resources other than forests, including wetlands,  
37 streams, rivers, lakes, ponds, coastlines, waterways, grasslands and  
38 open spaces generally. Open space shall be defined as an area of land or  
39 water that either remains in its natural state or is used for agricul-  
40 ture, free from intensive development for residential, commercial,  
41 industrial or institutional use. Open space can be publicly or privately  
42 owned and shall include agricultural and forest land, undeveloped coas-  
43 tal and estuarine lands, undeveloped scenic lands, public parks and  
44 preserves. It shall also include bodies of water such as lakes and bays.

45 (c) Sustainable agriculture. The commission shall investigate various  
46 forms of sustainable agriculture as defined in 7 USC 3103 as an inte-  
47 grated system of plant and animal production practices having a site-  
48 specific application that will over the long term satisfy human food and  
49 fiber needs, enhance environmental quality and the natural resource base  
50 upon which the agricultural economy depends, make efficient use of  
51 nonrenewable resources and on-farm resources and integrate, where appro-  
52 priate, natural biological cycles and controls, sustain the economic  
53 viability of farm operations and enhance the quality of life for farmers  
54 and society overall. The basic goals of sustainable agriculture shall be  
55 environmental health, economic profitability, and social and economic  
56 equity, seek to better the conditions and treatment of farmworkers,

1 including migrant workers, improve the humane treatment of farm animals,  
2 and explore "carbon farming", which shall mean farming methods which  
3 reduce greenhouse gas emissions and/or capture and hold carbon in vege-  
4 tation and soils. Carbon farming shall cover small changes in land  
5 management, such as introducing no-till cropping, stubble retention,  
6 agroforestry, or methane-reducing feed supplements.

7 § 5. (a) For the accomplishment of its purposes, the commission may  
8 meet and hold public and/or private hearings within or without the  
9 state, and shall have all the powers of a legislative committee pursuant  
10 to the legislative law. The commission is authorized and empowered to  
11 undertake any studies, inquiries, surveys or analyses it may deem rele-  
12 vant through its own personnel or in cooperation with or by agreement  
13 with any other public or private agency.

14 (b) To the maximum extent feasible, the commission may request and  
15 shall be entitled to receive and shall utilize and be provided with such  
16 facilities, resources and data from any court in the state and from any  
17 subdivision, department, board, bureau, commission, office, agency or  
18 other instrumentality of the state or of any political subdivision ther-  
19 eof as it deems necessary or desirable for the proper execution of its  
20 powers and duties and to effectuate the purposes set forth in this act.

21 (c) The commission is hereby authorized and empowered to enter into  
22 any agreements and to do and perform any acts that may be necessary,  
23 desirable or proper to carry out the purposes and objectives of this  
24 act.

25 § 6. The commission shall make recommendations and a report of its  
26 findings. The commission shall submit such recommendations and report  
27 developed by it relating to issues involving: (a) the reforestation and  
28 restoration of forests and ecological habitats in the state of New York;  
29 (b) the preservation and restoration of other natural resources and  
30 ecological habitats, including wildlife, both flora and fauna, in the  
31 state of New York; and (c) the promotion of sustainable agriculture in  
32 the state of New York. The report shall include any recommendations for  
33 legislative action as it may deem necessary and appropriate, to the  
34 governor, the temporary president of the senate and the speaker of the  
35 assembly no later than December 1, 2022.

36 § 7. This act shall take effect immediately.